

23<sup>o</sup> VICTORIÆ, 1859.

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## A BILL

To regulate the Qualifications of Practitioners in Medicine and Surgery  
and Pharmacy.

(As amended and agreed to in Select Committee.)

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- W**HEREAS it is expedient that persons requiring medical aid should Preamble.  
be enabled to distinguish qualified from unqualified Practitioners  
And that the provisions of the Act passed in the second year of Her 2 Vict. No. 22.  
Majesty's reign intituled "An Act to provide for the attendance of  
5 "Medical Witnesses at Coroners' Inquests and inquiries held before  
"Justices of the Peace in the Colony of New South Wales" should be  
extended in manner herein provided Be it therefore enacted by the  
Queen's Most Excellent Majesty by and with the advice and consent of  
the Legislative Council and Legislative Assembly of New South Wales  
10 in Parliament assembled and by the authority of the same as follows:—
1. This Act may for all purposes be cited as "The Medical Act Short Title.  
" of 1859."
  2. This Act shall commence and take effect from the first day of Commencement of  
January one thousand eight hundred and sixty. Act.
  - 15 3. Every person ~~registered under this Act~~ **legally qualified** Parties registered  
**Medical Practitioner within the meaning of the said Act** shall be Who entitled to  
entitled according to his qualification or qualifications to practise Medicine practise and recover  
or Surgery or Medicine and Surgery as the case may be in any part of charges.  
this Colony and to demand and recover in any Court of Law ~~with full costs~~  
20 ~~of suit reasonable charges~~ for his professional aid advice and visits and  
~~the cost of~~ **for** any medicine or other medical or surgical appliances ren-  
dered or supplied by him ~~to his patients.~~

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NOTE.—The words *ruled through* have been struck out; the words printed in **black letter** have been inserted.



Qualifying certain persons.

4. Every person who shall prove to the satisfaction of the New South Wales Medical Board constituted under the provisions of the said Act or a quorum thereof that he is or has been a duly appointed Medical Officer in the sea or land service of the East India Company and every person who has practised in this Colony as a Physician or Surgeon for a period of five years prior to the passing of this Act and who shall prove to the satisfaction of the said Board or a quorum thereof upon examination that he is sufficiently qualified to practise as a Physician or Surgeon shall be a legally qualified Medical Practitioner within the meaning of the said Act.

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Proof of registration qualification on trial for recovery of charges.

4. 5. After the first day of January one thousand eight hundred and sixty no person shall be entitled to recover any charge in any Court of Law for any medical or surgical advice attendance or for the performance of any operation or for any medicine which he shall have both prescribed and supplied unless he shall prove upon the trial that he is registered under this Act a legally qualified Medical Practitioner.

No Validity of certificate valid except signed by person registered.

5. 6. After the first day of January one thousand eight hundred and sixty no certificate required by any Act now in force or that may hereafter be passed from any Physician Surgeon Licentiate in Medicine and Surgery or other Medical Practitioner shall be valid unless the person signing the same be registered under this Act a legally qualified Medical Practitioner.

Fraudulent registration a misdemeanor. Fraudulently procuring Certificate.

6. 7. If any person shall wilfully procure or attempt to procure himself to be registered under this Act from the said Medical Board a Certificate of his being a legally qualified Medical Practitioner by making or producing or cause causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing every person so offending and every person aiding and assisting him therein shall be guilty of a misdemeanor and shall on conviction thereof be sentenced to be imprisoned for any term not exceeding twelve months or to pay a fine not exceeding fifty pounds.

Unauthorised Practitioner subject to penalty.

7. 8. Any person who shall wilfully and falsely pretend to be or take or use the name or title of a Physician Doctor of Medicine Licentiate in Medicine and Surgery Bachelor of Medicine Surgeon General Practitioner Apothecary or any name title or description implying that he is registered under this Act a legally qualified Medical Practitioner or that he is recognised by law as a Physician or Surgeon or Licentiate in Medicine and Surgery or a Practitioner in Medicine or an Apothecary shall upon a summary conviction for any such offence pay a sum not exceeding twenty pounds.

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8. Any sum or sums of money arising from conviction and recovery of penalties as aforesaid shall be paid to the Colonial Treasurer for the general uses of the Colony. Colonial Treasurer to receive penalties.

5 9. The Medical Board of New South Wales as at present existing shall be the Board for registering the different Medical Practitioners under this Act—subject however to such alteration in its constitution as the Governor General with the advice of the Executive Council may from time to time determine. The said Board shall on the first day of every year publish in the *Government Gazette* a list of all registered Practitioners residing in the Colony signed by the President and Secretary thereof and such publication shall be deemed legal proof that such registered Practitioner is a Legally Qualified Medical Practitioner under this Act. Medical Board to register Practitioners. List of registered Practitioners to be published yearly in Gazette.

15 9. The New South Wales Government Gazette containing the publication by the said Medical Board of the names of legally qualified Medical Practitioners shall be received as evidence that any person who is therein mentioned as being such is a legally qualified Medical Practitioner within the meaning of the said Act. Proof of qualification.

20 10. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way affect the lawful occupation trade or business of Chemists and Druggists and Dentists. Act not to affect Chemists Druggists and Dentists.



